

REMARKS

Please make of record the enclosed Terminal Disclaimer. Reconsideration and withdrawal of the double patenting rejection are respectfully requested in view of the Terminal Disclaimer.

Claim 1 has been amended and claims 10-12 have been added.

Claims 1-5 and 9 were rejected as anticipated by DAVIS et al. 5,769,945. Reconsideration and withdrawal of the rejection are respectfully requested in view of the present amendment.

The Official Action points to nozzle 30 in DAVIS et al. as corresponding to the claimed gas feed means. However, the nozzle 30 feeds a liquid, not a gas (column 4, lines 39-42). The gas feed means defined in claim 1 is to be interpreted under §112, sixth paragraph. Since the nozzle 30 in DAVIS et al. does not perform the same function as that claimed, it is not equivalent to the claimed gas feed means. Accordingly, the reference does not anticipate claim 1.

In addition, claim 1 has been amended to define a device for wet etching a defined area of a first surface of a wafer-shaped article, the defined area being adjacent to a peripheral edge of the wafer-shaped article, where the gas guide is arranged to be separated from the surface of the article by a gap that has a width that permits creation of a capillary force

that causes the liquid to enter into the gap and to wet and etch the defined area.

By contrast, DAVIS et al. disclose a device that prevents excess coating material from getting splashed or drawn onto the bottom surface (column 3, lines 6-9). The device in the reference does not create a capillary force that causes the liquid to enter the gap to etch the defined area; it tries to do the opposite. Accordingly, the invention of amended claim 1 also would not be obvious in view of DAVIS et al.

New claim 10 is distinguishable from DAVIS et al. because the reference does not disclose a gas guide in a periphery of the holding means that routes most of the gas at a periphery of the second surface away from the wafer-shaped article.

New claim 11 is distinguishable from DAVIS et al. because the reference does not disclose the channel that branches from a radially inward end of said gap. In DAVIS et al., liquid enters the gap between circular air ring 40 from the nozzles and is expelled radially outward. The excess liquid is collected at leakage path 36 and in upper plenum 72 and discarded through drain 88. The gap between ring 40 and the wafer does not have a channel branching from its radially inward end that collects liquid that enters into the gap. Similar language was allowable in the parent application S.N. 10/164,424.

Claim 12 is distinguishable from DAVIS et al. because the reference does not disclose that the gap extends radially inward from the peripheral edge to a recess in the holder, the radially inward extent of the gap defining the defined area. Similar language was allowable in the parent application S.N. 10/164,424.

Claims 1-8 were rejected as anticipated by WAGNER et al. 5,904,164. Reconsideration and withdrawal of the rejection are respectfully requested.

Nozzle 20 feeds a liquid, not a gas (column 1, lines 65-66). The gas feed means defined in claim 1 is to be interpreted under §112, sixth paragraph. Since the nozzle 20 in WAGNER et al. does not perform the same function as that claimed, it is not equivalent to the claimed gas feed means. Accordingly, the reference does not anticipate claim 1.

Please note also that claim 7 is distinguishable from this reference because WAGNER et al. does not disclose a gas guide, particularly one that is parallel to the second surface.

New claim 10 is distinguishable from WAGNER et al. because the reference does not disclose a gas guide in a periphery of the holding means that routes most of the gas at a periphery of the second surface away from the wafer-shaped article.

New claim 11 is distinguishable from WAGNER et al. because the reference does not disclose the channel that branches

from a radially inward end of said gap. As noted above, similar language was allowable in the parent application S.N. 10/164,424.

Claim 12 is distinguishable from WAGNER et al. because the reference does not disclose that the gap extends radially inward from the peripheral edge to a recess in the holder, the radially inward extent of the gap defining the defined area. As noted above, similar language was allowable in the parent application S.N. 10/164,424.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the Terminal Disclaimer fee of \$130 to Deposit Account No. 25-0120.

Please charge the fee of \$200 for the extra independent claim added herewith to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- a terminal disclaimer